



COMMONWEALTH of VIRGINIA

Matthew J. Strickler
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
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David K. Paylor
Director

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Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT THE SOUTHERN FINISHING COMPANY, INCORPORATED Registration No. 30515

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and The Southern Finishing Company, Incorporated, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia.
3. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

6. "Facility" or "Site" means the SFC facilities located at 801 E. Church St. (Plant 12) and at 420 E. Commonwealth Blvd. (Plant 15), in Martinsville, Virginia.
7. "FCE" means a full compliance evaluation by DEQ staff.
8. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
10. "Permit" means the Title V permit issued to SFC on August 14, 2015, which incorporates a Stationary Source Permit to Modify and Operate a wood furniture finishing plant dated May 23, 2008.
11. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
12. "SFC" means The Southern Finishing Company, Incorporated, a company incorporated and registered to do business in North Carolina and its members, affiliates, partners, subsidiaries, and parents. SFC is a "person" within the meaning of Va. Code § 10.1-1400.
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. At the Facility, SFC finishes wood accessories and pieces. The Facility is the subject of the Permit, which allows operation and emissions in accordance with its terms. The Facility is also subject to 40 CFR, Part 63, Subpart DDDDDD – Industrial, Commercial, and Institutional Boilers and Process Heaters MACT and 40 CFR, Part 63, Subpart JJ – Wood Furniture Manufacturing Operations MACT.
2. The Permit includes conditions for the operation of spray booths at Plants 12 and 15.
3. On August 14, 2018, DEQ conducted a Full Compliance Evaluation (FCE) of SFC Plants 12 and 15. Based on the evaluation and follow-up information, Department staff made the following observations:

- a. At the time of the August 14, 2018 inspection, the facility had not submitted the NESHAP MACT DDDDD Notice of Compliance Status.
 - b. At the time of the August 14, 2018 inspection, field observations at Plant 12 indicated that spray booths WB-15A and WB-15B did not have a magnehelic gauge installed. The magnehelic gauges installed at spray booths WB-13 and WB-14 were not operational. The facility could not provide any differential pressure records for the aforementioned spray booths.
 - c. At the time of the August 14, 2018 inspection, field observations of Plant 15 found the magnehelic gauges were not being maintained, resulting in unreliable readings.
 - d. At the time of the August 14, 2018 inspection, the facility could not provide daily differential pressure records required for spray booths at Plant 15.
 - e. At the time of the August 14, 2018 inspection, the facility could not provide daily differential pressure records required for the spray booths at Plant 12 and Plant 15.
4. On September 6, 2018, based on the evaluations and follow-up information, the Department issued Notice of Violation No. ABRRO001004 to the SFC for the violations described in Paragraph C(3) above.
 5. Condition 16 of the Permit states that the permittee shall demonstrate compliance with the emission limitations, fuel specifications and work place standards as specified in 40 CFR 63.7530.
 6. Condition 51 of the Permit states that Spray booths WB 13, 14 and 15 shall be equipped with devices to continuously monitor the pressure differential for each booth. The monitoring device shall be installed, maintained, calibrated, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturers written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the spray booth is operating. Each monitoring device shall be observed and the pressure differential recorded at least once per day during plant operation.
 7. Condition 52 of the Permit states that the spray booth filters shall be equipped with devices to continuously monitor the pressure drop across the filter. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the spray booth is operating.
 8. Condition 53 of the Permit states that to ensure good performance, the monitoring device used to continuously measure pressure drop (Condition 52) shall be observed by the permittee with a frequency of not less than once per day. The permittee shall keep a log of the observations.

9. Condition 56.h of the Permit states that the permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to: . . . h. Control device monitoring records for the spray booth pressure differential as required in Conditions 51 and 53.
10. Va. Code §10.1-1322 states that "Failure to comply with any condition of a permit shall be considered a violation of this chapter and investigations and enforcement actions may be pursued in the same manner as is done with regulations and orders of the Board under the provisions of this chapter."
11. Based on the results of the August 14, 2018 FCE, the Board concludes that SFC has violated the Permit and Va. Code §10.1-1322, as described in paragraphs C(3) through C(10), above.
12. SFC has submitted documentation that verifies that the violations described in this section have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders SFC, and SFC agrees to pay a civil charge of \$9,746.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

SFC shall include its Federal Employer Identification Number (FEIN) (56-1208143) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, SFC shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of SFC for good cause shown by SFC, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, SFC admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. SFC consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. SFC declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by SFC to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. SFC shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. SFC shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. SFC shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;

- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and SFC. Nevertheless, SFC agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after SFC has completed all of the requirements of the Order;
 - b. SFC petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to SFC.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve SFC from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. The undersigned representative of SFC certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind SFC to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of SFC.
- 13. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
- 14. By its signature below, SFC voluntarily agrees to the issuance of this Order.

Consent Order

The Southern Finishing Company, Incorporated; Reg. No. 30515; BR18-1001

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And it is so ORDERED this 19th day of February, 2019.
Z/W



Robert J. Weld, Regional Director
Department of Environmental Quality

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The Southern Finishing Company, Incorporated, voluntarily agrees to the issuance of this Order.

Date: 2-14-19 By: Jimmy Carter, consultant
(Person) (Title)

Commonwealth/State of Virginia

City/County of Henry

The foregoing document was signed and acknowledged before me this 14 day of February, 2019, by Jimmy Carter who is The Southern Finishing Company on behalf of the corporation.

Sierra Nicole Maria Jones
Notary Public

7665514
Registration No.

My commission expires: 10-31-19

Notary seal:

